

EXHIBIT 5

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Volume One

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORPORAL TRINIDAD NAVARRO,)	Volume 1
Plaintiff,)	Civil Action
)	No. 05-565 GMS
v.)	
CHRISTOPHER A. COONS,)	
individually and in his)	
official capacity; GUY H. SAPP,)	
individually and in his official)	
capacity; and NEW CASTLE)	
COUNTY, a municipal corporation,)	
Defendants.)	

Deposition of CORPORAL TRINIDAD NAVARRO taken pursuant to notice at the New Castle County Law Department, 87 Reads Way, New Castle, Delaware, beginning at 9:28 a.m. on Monday, May 22, 2006, before Lucinda M. Reeder, RDR, CRR and Notary Public.

APPEARANCES:

JEFFREY K. MARTIN, ESQ.
Margolis Edelstein
1509 Gilpin Avenue
Wilmington, Delaware 19806
for the Plaintiff Trinidad Navarro

MICHELE ALLEN, ESQ.
MEGAN SANFRANCESCO, ESQ.
JUDITH A. HILDICK, ESQ.
New Castle County Law Department
87 Reads Way
New Castle, Delaware 19720-1648
for the Defendant New Castle County

JEFFREY S. GODDESS
Rosenthal, Monhait & Goddess, P.A.
919 N. Market Street, Suite 1401
Wilmington, Delaware 19801
for the Defendants Christopher A. Coons
and Guy H. Sapp

WILCOX & FETZER, LTD.
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477
www.wilfet.com

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the witness herein, having first been
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18 interrogatories in preparation for your deposition?

19 A. I was assuming the interrogatories were part of
20 this, so if I did state that, I was confused.

21 Q. You have never reviewed these with your
22 attorney?

23 A. I have not.

24 Q. I am going to ask you then to focus on the

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1 complaint for me which you have indicated you have
2 reviewed. Part of the claims that you are claiming is
3 that you've had some type of emotional pain or anguish
4 due to the fact that you were not promoted. Can you
5 explain that in detail?

6 A. Well, for about the last, nearly eight years, I
7 have been the public information officer. During that
8 time, I have witnessed countless promotions. I don't
9 know exactly how many, but several. And each time it
10 happens, I am somewhat disappointed that I wasn't
11 promoted. I know that I can do the job. I know that
12 I have done my job very well, and I know that the
13 leadership of the Police Department wanted to promote
14 me.

15 This past time, I tested like everyone
16 else, appeared or scored number 12 on the test. The
17 positions were available. And they weren't filled
18 because of the County's dislike for me. Because of
19 that, I have had to witness, just on Friday, the
20 handshakes -- there were promotions on Friday -- the
21 handshakes, the congratulations, the hugs, the phone
22 calls. It was disheartening, knowing that I should

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23 have been promoted last year and it was withheld for
24 political reasons.

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1 I'll forever be the person who had to sue
2 to get promoted. I have been a loyal employee for the
3 Police Department for -- a company man -- for almost
4 15 years. Because I wasn't promoted, it's upsetting.

5 Q. You said that you were upset because you saw
6 several people promoted, and one of them was not you.
7 Correct?

8 A. Over the years, yes.

9 Q. But over the years, the only time you have been
10 eligible for the promotion has been on the 2004 list?

11 A. That's correct.

12 Q. All the times people were promoted you weren't
13 eligible?

14 A. I was not.

15 Q. And I understand that the not being promoted
16 off the 2004 list upset you. Have you sought any
17 treatment by a doctor?

18 A. I have not.

19 Q. Have you received any type of counseling or
20 anything?

21 A. I have not.

22 Q. In relation to the emotional stress.

23 A. No formal counseling. I have spoken with my
24 wife, my family, friends, but no actual formal

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1 counseling with a professional.

2 Q. Is there a reason for that?

3 A. There is no reason.

4 Q. Do you feel that you don't need any type of
5 counseling or anything for that?

6 A. No.

7 Q. I am sorry. No, you don't need counseling?

8 A. No, I don't need counseling.

9 Q. Okay. You indicate that, and you have just
10 stated, that you have been discriminated against and
11 you didn't get the promotion because of political
12 reasons, and you indicated that part of that reason is
13 the speech that you have stated. Can you be specific
14 as to what speech you are referring to?

15 A. Sure. On several occasions, I spoke with
16 Allison Taylor Levine about her perception of the
17 dislike that the administration -- the administration
18 being Chris Coons and his staff, including Dave
19 Singleton and Guy Sapp -- the dislike that they have
20 for me because of my perceived allegiance to Dave
21 McAllister.

22 Around April or May of last year, I spoke
23 up -- I went to our F.O.P. leadership to -- and
24 organized a group of five other officers to inquire

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1 about the promotional process, to inquire about why
2 the positions weren't filled, to inquire about how
3 many positions were available. And that was something
4 I organized.

5 Later, there was a meeting, but it was

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6 another occasion where I actually spoke up.

7 Now, with regard to Allison Levine, on
8 several occasions, we had contact either in person or
9 by phone, where we discussed the fact that the
10 administration didn't like me. She asked me to notify
11 her about certain inquiries from the media. She asked
12 me to notify her about incidents or events of interest
13 that would generate media attention. I indicated --
14 she also asked me to let her and/or the administration
15 know if -- what Colonel McAllister was planning with
16 regard to -- and an example was the Delaware Today
17 article, and I didn't tell her about that. And she
18 indicated that it was my duty or my obligation to tell
19 her about media inquiries. I told her that I could
20 not in good conscience tell her things that would
21 jeopardize my boss' position. As a PIO or a
22 spokesperson for the Police Department, my primary
23 concern is the integrity of the Police Department and
24 protection of the reputation of the Police Department.

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1 Allison and I had had several conversations with
2 regard to that. She indicated her displeasure with me
3 for not forwarding that information to her.

4 I have to think for a moment.

5 There was an occasion in early -- there was
6 an occasion soon after Allison Levine was hired, where
7 we -- "we" meaning the other PIOs in the County -- met
8 to discuss strategies for media inquiries with regard
9 to the upcoming federal trial involving Tom Gordon and
10 Sherry Freebery.

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11 During those meetings, there was a concern
12 about -- I don't recall who brought it up, but there
13 was a concern about the DM initials in the indictment
14 and how we would handle media inquiries about who
15 everybody believed DM was, Dave McAllister, how we
16 would handle media inquiries. I spoke up at that
17 meeting and indicated that the initials DM in the
18 indictment, although appear to be -- alleged to be a
19 possible crime with regard to a DELJIS violation, I
20 spoke up for Dave McAllister, or DM, and indicated
21 that we had researched whether or not there was a
22 DELJIS violation, and, in fact, it was not.

23 We also spoke about the Fieldstone project
24 and the fact that our Land Use Department had

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1 researched whether there was any wrongdoings, and it
2 was found that it was not. During that conversation,
3 I had indicated that Dave McAllister had not done
4 anything wrong, and I thought they were overreacting
5 with regard to media inquiries with regard to his
6 initials. Essentially, I spoke up for Dave McAllister
7 and attempted to assure everyone in that room that he
8 had done nothing wrong.

9 I have to think about other occasions.

10 Q. Okay. We can come back. I'll ask before we
11 conclude the deposition if there is any other speech
12 that you recall.

13 Just so that we're clear. In your
14 complaint here that you have alleged, you are not
15 claiming that you did not get the promotion due to

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21 Q. What are you currently studying at Wilmington
22 College?

23 A. Undergrad, criminal justice.

24 Q. How many credits do you have so far?

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1 A. I am not sure. I did obtain an associate's
2 degree. I have taken one class at Wilmington College.
3 I am presently enrolled in a class, but there are
4 several classes that I won't have to take for what's
5 called PLA, that you could provide a portfolio in
6 those classes -- you'll have to pay for it, but you
7 won't have to take and there is about five or six of
8 those classes. So I am not sure how many credits I'll
9 have after that time.

10 Q. The class you are currently taking, does it
11 meet at night?

12 A. Pardon me?

13 Q. It meets at night?

14 A. Yes.

15 Q. You are only just taking that one class?

16 A. Yes. It's a seven-week block class.

17 Q. When did you start your employment with New
18 Castle County?

19 A. September 30th, 1991.

20 Q. And what did you do prior to that?

21 A. Several things. I sold life insurance. I
22 drove a school bus.

23 Q. Can you give me some time frames of how long
24 you did each?

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1 A. When I was 15-years old, which would have been
2 around 1984, I started my first job at the Miller's
3 Carpet Center. I really don't recall how long I
4 worked there. Probably a couple months. There I went
5 to the Air Base Carpet Mart, where I worked for a few
6 years during high school.

7 When I graduated from high school, I worked
8 for Sutton Bus Company for, I want to say, two years.
9 I worked for a liquor store. I don't remember the
10 name of the place. But it was by -- I think it was
11 Willow Run Liquors. I also, around that time, worked
12 for American General -- it's a life and health
13 insurance company -- and worked there until I became a
14 police officer.

15 Q. When you first applied for a job at New Castle
16 County it was as a police officer?

17 A. Yes.

18 Q. Can you just give me a little bit of your
19 career history as a police officer starting from after
20 you graduated, I guess, from the academy?

21 A. I was assigned to B Squad in patrol. I worked
22 until -- I'm sorry. I graduated from the academy, I
23 want to say on May 28th, 1992. I worked in patrol
24 from that period until October 1998.

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1 Q. During that time, do you recall who your
2 immediate supervisor was when you worked at B Squad?

3 A. My first supervisor was Lieutenant James
4 Sharkey.

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5 Q. Do you recall who the chief of police was when
6 you were hired?

7 A. Yes. It was Tom Gordon.

8 Q. Then you left B Squad October 28th of what
9 year?

10 A. It was October 1998.

11 Q. Okay. Then from there?

12 A. I was assigned to the Public Information Office
13 for the Police Department.

14 Q. Was that a job you applied for?

15 A. No. Well, I did submit memorandums for that
16 position as well as memorandums for the criminal
17 investigation unit.

18 Q. Do you still have copies of those memorandums?

19 A. I do not.

20 Q. At that time, who was chief of police?

21 A. John Cunningham.

22 Q. Were those memos directed to him?

23 A. Yes. Through the chain of command.

24 Q. Can you summarize for us what the memorandums

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1 stated? Did they request that you go into the PIO
2 position?

3 A. In summary, I would say, sir, writer
4 respectfully requests the opportunity to work in the
5 position of, or as a detective and/or the PIO. They
6 were separate memorandums, but they, essentially, read
7 the same, just with different positions.

8 Q. And why did you want to go into the PIO
9 position?

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10 A. Because I was approached by a Sergeant Vince
11 Kowal at the time. We spoke about the position. He
12 thought that I would do well in that position. So I
13 entered or submitted a memorandum for that position as
14 well as for detectives.

15 Q. Was there a person in the PIO position prior to
16 you submitting this memorandum?

17 A. Yes.

18 Q. Do you recall who that was?

19 A. I don't recall the exact date when I first
20 submitted for the position, but I think it may have
21 been lieutenant -- well, at the time, Pat Crowell.
22 He's now a lieutenant. I don't recall his rank at the
23 time. Or it may have been Elmer Setting, who was also
24 a PIO.

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1 Q. Do you remember why the position was becoming
2 available? Were they leaving? Was the person leaving
3 that position, or were they just rotating in new
4 people?

5 A. My recollection was that they weren't happy
6 with the PIO who I replaced. He is Joe Lavelle.

7 Q. You do recall replacing, is it Joe Lavelle?

8 A. Yes.

9 Q. And you do recall replacing him?

10 A. Yes.

11 Q. And when you said they weren't happy with him,
12 who was "they"?

13 A. The police administration were not happy with
14 the PIO position, the performance of the PIO. It was

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15 shortly after -- I don't know if he requested to come
16 out or if he was told he was coming out. But around
17 that time period, I was told that I was going to
18 detectives. Shortly thereafter, I was approached
19 again by Vince Kowal, who had said that he wanted me
20 to work for him in the PIO office.

21 Q. Again, you said the police administration. Can
22 you be more specific who exactly? Was it the chief of
23 police that was unhappy with the PIO?

24 A. I don't know for sure.

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1 Q. Do you know what the specific complaints were?

2 A. I don't know a lot about the Joe Lavelle's
3 track record as a PIO. I do know that when he left,
4 he didn't really provide me with much material to
5 learn the job. So I don't know specifically why they
6 were unhappy. I do surmise that he left rather
7 quickly and left without leaving anything for me to
8 learn from.

9 Q. When you were approached by Vince Kowal, did he
10 give you any vision as to what they wanted this PIO
11 position to entail?

12 A. I don't recall if we actually discussed what
13 the job was about. I do know or recall that I went to
14 Major Joe Bryant and asked to speak with him about the
15 position.

16 Q. And you so you eventually took the PIO
17 position; is that correct?

18 A. I did after speaking with Major Bryant. He had
19 asked me a very candid question, and that question

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20 was: Do you see your position here -- do you want to
21 be promoted? That's not verbatim, but that was, you
22 know, if you want to be promoted, you should probably
23 take the PIO position because that is traditionally
24 the position that officers are promoted from.

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1 Q. So you chose to go into the PIO position
2 instead of going into detectives?

3 A. Yes.

4 Q. And people are routinely promoted from
5 detectives?

6 A. I didn't say that.

7 Q. I know. I am asking.

8 A. Okay. I'm sorry. Some of the promotions, yes.
9 Routinely, I am not sure.

10 Q. Do you recall what Joe Lavelle's rank was when
11 he held the PIO position?

12 A. I believe he was an officer.

13 Q. When he left the position, was he still an
14 officer?

15 A. Well, he has not been promoted, if that answers
16 your question. I don't know if he was a corporal when
17 he left or still an officer.

18 Q. How long was he PIO?

19 A. I am not sure. It was several months. Maybe a
20 year or two. I am not sure.

21 Q. You had also said that to the best of your
22 knowledge Elmer Setting also served as PIO at some
23 point?

24 A. Yes.

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1 Q. How long did he serve as PIO, if you recall?

2 A. I am not sure. I would say, again, several
3 months, perhaps two or more years.

4 Q. And you said is it Pat Crowell?

5 A. Yes.

6 Q. How long did he serve as PIO, do you recall?

7 A. I don't know. Around the same time as everyone
8 else.

9 Q. Around two years?

10 A. I am guessing.

11 Q. Okay. And how long have you currently been
12 serving -- are you still currently the PIO for the New
13 Castle County Police Department?

14 A. I am.

15 Q. How long have you been serving in that
16 position?

17 A. Seven years and about eight months.

18 Q. So when you came into the PIO position,
19 Cunningham was the chief?

20 A. Yes, ma'am.

21 Q. And you also served under McAllister; is that
22 correct?

23 A. Yes, ma'am.

24 Q. And currently serving under the acting chief,

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1 Lieutenant Colonel Scott McLaren?

2 A. That's correct.

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3 Q. When you first took the position as PIO, what
4 did you believe your duties and responsibilities were
5 going to be?

6 A. To promote the department; to protect the
7 department from negative press; to inform the media of
8 day-to-day police operations, arrests, programs, those
9 types of -- I was the media coordinator for the Police
10 Department.

11 Q. Who was your immediate -- I guess who was and
12 is your immediate supervisor as the PIO?

13 A. When I first started in 1998, Lieutenant Vince
14 Kowal was my immediate supervisor. He has since
15 retired. And since then, I did work for or with
16 Lieutenant Patrick Crowell for some time. I don't
17 recall if at that point he was my supervisor or if I
18 fell directly under the chief of police. But I do
19 recall lieutenant Crowell did do my evaluations.

20 Q. After Lieutenant Crowell, assuming he may have
21 been a supervisor at that time, after he was no longer
22 serving in that capacity, who would have done your
23 evaluations?

24 A. I know that Jack Cunningham did do some of my

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1 evaluations. And I do know that Dave McAllister did
2 do some of my evaluations.

3 Q. And during the time under, I guess, during the
4 time you held the PIO position, other than David
5 Singleton, who was the other chief administrative
6 officer?

7 A. Well, before Sherry Freebery, I am not sure.

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1 refer to?

2 A. Not that I can recall.

3 Q. But you don't recall whether or not David
4 Singleton or Chris Coons or Guy Sapp specifically
5 directed that transfer?

6 A. I don't recall who it was. I do recall that
7 that was a transfer that Scott McLaren had to make.

8 Q. Did you hear that from Scott McLaren?

9 A. No. I don't -- no.

10 Q. Anything else with respect to transfers, any
11 specific instances?

12 A. None that I can recall.

13 Q. Did you have any knowledge or did you ever hear
14 that Sherry Freebery while she was chief
15 administrative officer had any involvement in
16 transfers within the Police Department?

17 A. No.

18 Q. No, you didn't hear that or, no, she did not?

19 A. I have no direct knowledge of Sherry Freebery
20 being involved in transfers within the Police
21 Department.

22 Q. You also indicated that David Singleton, the
23 current CAO, was involved in disciplinary procedures
24 within the Police Department? Can you tell me how you

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1 know that and what specifically you are referring to?

2 A. Dave McAllister told me that for disciplinary
3 investigations, he had to prepare documents for Dave
4 Singleton. I know that for -- Dave Singleton reviewed

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5 personnel files, disciplinary files.

6 Q. Do you know specifically of anybody in
7 particular?

8 A. Yes. Bruce Pinkett. Wendy Hudson. And
9 officers who were up for promotion, officers who were
10 eligible for promotion from the last list.

11 Q. Okay. And you know about this how?

12 A. I saw the files. My file is one of them that
13 was in Colonel McAllister's office. And it was
14 indicated those files were going up to the Government
15 Center to be reviewed by Dave Singleton.

16 Q. You indicated you saw the other files?

17 A. I saw folders like this with names on it of
18 other officers, including my own.

19 Q. And they were personnel files or PSU files?

20 A. I didn't look into the files. I am not sure
21 what was in the files. But Dave McAllister indicated
22 that they were personnel files, files that would
23 contain discipline. So I don't know if that means
24 professional standard files. I am assuming. That

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1 kind -- those kind of files.

2 Q. The files that you were saw were -- and I don't
3 mean the inside of them, but as you said, the names,
4 were yourself, Wendy Hudson, Bruce Pinkett?

5 A. No. The files that I saw were myself; wendi
6 Feeser; John Treadwell; Rich Dunning; Joe Trala, and I
7 think, Rob.

8 Q. Joseph?

9 A. Rob Joseph.

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10 Q. And Colonel McAllister told you those files
11 were going over to the Government Center?

12 A. Yes.

13 Q. All of those people were up for promotion?

14 A. Yes.

15 Q. How did you know that or how do you have the
16 information that Wendy Hudson and -- is it Bruce
17 Pinkett did you say?

18 A. Yes.

19 Q. -- that their files were reviewed by the CAO?

20 A. Bruce Pinkett was selected to go to the FBI
21 academy. Dave McAllister indicated that Guy Sapp was
22 not happy with that selection because Dave Singleton
23 was not happy with that selection. Dave McAllister
24 indicated that Dave Singleton asked to review

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1 personnel files of Bruce Pinkett with respect to that
2 training or that training opportunity.

3 Q. I am sorry. Do you recall when he was supposed
4 to have gone, what time frame, and when that review
5 would have occurred?

6 A. It would have been within the first few months
7 of Chris Coons' administration.

8 Q. Okay.

9 A. Before -- I believe it was before Guy Sapp
10 was -- or right around the time Guy Sapp was hired as
11 director of public safety.

12 Q. Anybody else's files that you are aware of?

13 A. Well, I know that he requested Lieutenant Wendy
14 Hudson's file because he had objected to --

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9 was on the list?

10 A. I don't recall. She scored higher than I did.

11 Q. And you stated you are not really aware of what
12 her background or job performance or anything was?

13 A. Well, I do know she was a detective for years.
14 I know she served in patrol for years. I never
15 personally worked with her.

16 Q. What about Lloyd Joseph? Do you recall what
17 his rank was?

18 A. No. But I can tell you that he scored higher
19 than I did.

20 Q. Do you have any background information on him?

21 A. Again, I worked with him in patrol for years.
22 I know that he worked in our fleet management position
23 for some time. I know that he worked in detectives
24 for some time.

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1 Q. Do you know whether or not either one of them
2 had recently been acting sergeants?

3 A. I believe they both had been.

4 Q. Have you heard or do you know how the
5 conclusions were reached to promote those two?

6 A. Well, the previous promotions were made by the
7 chief of police. Most recently, the promotions have
8 been chosen sort of as a consensus among the chief and
9 the staff.

10 Q. Do you know who that staff consists of?

11 A. Yes, ma'am.

12 Q. Can you tell me?

13 A. Lieutenant Colonel Scott McLaren; Major James

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14 Hedrick; Major Stewart Snyder; Captain Debra Rees;
15 Captain Mark Hitch; Captain Quentin Watson; Captain
16 Matthew Jameson. Is that five?

17 Q. It should be five and two majors?

18 A. Five captains, two majors and lieutenant
19 colonel.

20 Q. They all had input on the promotion of Trish
21 Davies and Lloyd Joseph; is that correct?

22 A. I don't know specifically, but I assume so.

23 Q. That's your understanding? That's what you've
24 heard?

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1 A. Yes.

2 Q. Did Colonel McAllister ever tell you you were
3 the Hispanic he intended to promote?

4 A. Yes.

5 Q. When did he tell you that?

6 A. Sometime in the spring of 2005.

7 Q. Do you recall where the conversation took
8 place?

9 A. In our office. We -- I worked -- my desk is in
10 his office.

11 Q. Do you recall how the conversation came up?

12 A. Not specifically, no.

13 Q. Did he tell you any other time that you were
14 the person he intended to promote?

15 A. We had discussions after Mr. Sapp chose to only
16 release one requisition. Colonel McAllister and I had
17 discussions that he had indicated that he did intend
18 to promote me, John Treadwell and a female officer.

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19 Q. Did he tell you who the female officer was?

20 A. He -- I now know he was leaning toward Wendi
21 Feeser, but I don't know that he ever told me which
22 one of the two. Two being Wendi Feeser and Trish
23 Davies. I don't know if he ever told me which one it
24 would be.

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1 Q. Do you know whether or not he ever articulated
2 that to anybody else?

3 A. Specifically?

4 Q. Yes.

5 A. I believe he articulated that to Guy Sapp, to
6 Scott McLaren. I don't know if he spoke to other
7 members of his staff or not.

8 Q. How do you know that?

9 A. Dave McAllister told me.

10 Q. The complaint references that you engaged in
11 protected activities on matters of public concern and
12 that after you participated in that activity, you were
13 advised that the two additional budgeted positions
14 would not be filled. And that is paragraph 34 and 35
15 (a) of the complaint, Exhibit 1. Can you tell me
16 specifically what the protected activity was that you
17 engaged in?

18 A. Well, I am not an attorney, but my free speech.
19 I spoke up against -- well, not against, but for
20 myself and the other officers who weren't promoted. I
21 went to the F.O.P. president, Marge Ellwein. Marge
22 Ellwein worked on Chris Coons' campaign. Marge
23 Ellwein spent a lag amount of time in Guy Sapp's

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24 office. I spoke up at the PIO meetings in defense for
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1 Dave McAllister and the Police Department.

2 Q. During those meetings, did you ever speak up
3 for the County as a whole in general?

4 A. Sure. Yes.

5 Q. Can you be specific?

6 A. Well, I indicated that the initials in the
7 indictment were -- should not have been in there
8 because it appears as if the chief of police had done
9 something wrong.

10 I also indicated that I did not believe --
11 let me rephrase that. I indicated that there may not
12 even be a federal trial with respect to Tom and Sherry
13 because I alluded that many of the things I read in
14 the indictment I, believe, were frivolous.

15 Q. Was it your -- any other protected activity
16 that you engaged in?

17 A. None that I recall.

18 Q. What were the matters -- are there any other
19 matters of public concern?

20 A. None that I can recall.

21 Q. When you took the written exam for the 2004
22 sergeants test, did you have any knowledge of the
23 questions beforehand?

24 A. No.

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1 Q. Did you speak with anybody about the test
2 beforehand?

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10 asked her again, what has changed? This was your
11 opinion -- and if you have the document, it's dated --
12 this is your opinion, and what has since changed? She
13 could not provide a response.

14 (Navarro Deposition Exhibit No. 5 was
15 marked for identification.)

16 BY MS. ALLEN:

17 Q. Did you have any personal conversation with
18 Marge?

19 A. Very few.

20 Q. Regarding this issue.

21 A. Which issue? I'm sorry.

22 Q. Just the promotional issue in general.

23 A. I did speak with Marge. I don't recall
24 specifically a date. I talked to her in the hallway

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1 about the positions. Again, she had indicated that --
2 because it affected so few, they weren't going to get
3 involved. "They" meaning the F.O.P.

4 Q. Okay. You indicated that immediately after --
5 and it appears from the memo from Marge Ellwein that
6 the meeting happened on May 16th, 2005. Would that
7 make sense to you that --

8 A. It would, yes, ma'am.

9 Q. You indicated after that meeting you spoke to
10 the officers outside?

11 A. Yes.

12 Q. Can you tell me about the conversation there?

13 A. Well, the conversation was pretty light. We
14 were actually somewhat relieved that there was an

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15 answer to our question and that they were going to
16 move ahead with the positions.

17 Now, we all argued or, amongst ourselves,
18 that their excuse wasn't valid, simply because a
19 sergeant makes 5 percent more than an officer, and we
20 were pay actors that 5 percent premium to do 20
21 percent of the work. So we didn't agree with his
22 rationale, but we were actually sort of relieved that
23 the process was going to move forward. We actually
24 had a date where the promotions would be filled.

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1 Q. Was everybody who attended -- were the officers
2 who attended the meeting, were they all in agreement
3 that they thought the fiscal reasoning was an excuse?

4 A. They thought that it was an invalid excuse. We
5 all discussed that.

6 Q. Were there any discussions as to what any type
7 of motives or anything may have been?

8 A. No. Not that I can recall.

9 Q. Was there any other reasons for not immediately
10 moving ahead with the promotions that were discussed
11 at the meeting?

12 A. None that I recall.

13 If you refer to Marge's document, the third
14 paragraph says, "We see little savings in not
15 promoting into a position that has already been
16 budgeted. No explanation was given for the deficit,
17 but certainly the budgeted sergeants position did not
18 cause the financial problem."

19 Again, that was the opinion of our F.O.P.
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20 president, Marge Ellwein.

21 Q. Okay. At some point, do you receive
22 information that, I guess, the July date comes and the
23 positions are not filled?

24 A. I didn't -- I was hearing rumors. Forgive me

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1 for not remembering who I heard these rumors from, but
2 that the positions would not be filled on July 1st
3 that, they were going to be delayed. That was sort of
4 just talk I had heard around the building.

5 Q. Did you do anything with respect to hearing
6 that rumor, like return to the F.O.P.?

7 A. No. I had had -- I was fed up with the F.O.P.
8 and their response. They had fought other fights.
9 And I felt like they were treating us unfairly.

10 We had an officer who was arrested for
11 beating up his wife, and the F.O.P. provided funding
12 for his defense, went to bat for him. Here in our
13 situation, the F.O.P. not only in writing said they
14 wanted the positions filled, but they agreed with the
15 officers at the time, and then for some reason they
16 changed their stance. So I had had -- I went to them
17 for help. They didn't help. So I was through with
18 them.

19 Q. Do you have any reasons or facts or anything to
20 support why you don't think they continued to push
21 this forward?

22 A. Facts? No.

23 Q. It appears -- and I will have this marked. I'm
24 sorry.

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1 (Navarro Deposition Exhibit No. 6 was
2 marked for identification.)

3 BY MS. ALLEN:

4 Q. Did you have another meeting with the director
5 of public safety in which you were informed that the
6 two additional positions would not be filled?

7 A. Yes.

8 Q. Who was present at that meeting, if you recall?

9 A. The same officers as before with the addition
10 of Rich Dunning.

11 Q. What about John Treadwell?

12 A. I don't remember. I don't remember if John had
13 already been promoted or if he was still waiting.

14 Q. Was Marge present at this meeting?

15 A. Yes.

16 Q. Anybody else?

17 A. The director, the officers, and Marge.

18 Q. And what was your understanding of the meeting?

19 A. Mr. Sapp indicated -- he apologized and said he
20 should not have promised to fill the positions. He
21 had reviewed the department, and even though we had
22 several acting positions, thought we needed more
23 officers, less supervisors.

24 Marge Ellwein, who was supposed to be the

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1 voice for the membership, said herself that -- when we
2 asked, does that mean when more openings come up or

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3 retirements come up for lieutenants and above, does
 4 that mean you won't fill those positions, as has been
 5 done in the past? And Marge Ellwein spoke up and said
 6 that's the administration's decision. And we looked
 7 at Marge. She was, essentially, speaking for the
 8 administration rather than the membership.

9 Q. Well, just so that I am clear, you are saying
 10 that it has been the procedure in the past to not fill
 11 higher ranking positions, for example, sergeant,
 12 lieutenant, to keep the patrol strength large?

13 A. No, I didn't say that. The position in the
 14 past would be if, for example, a lieutenant retired,
 15 they would fill an extra sergeant spot knowing that a
 16 sergeant would be promoted to that lieutenant spot.
 17 The past practice has sort of been they overpromote
 18 sergeants because they know they are going to promote
 19 a lieutenant. That happened countless times.

20 (Discussion off the record.)

21 BY MS. ALLEN:

22 Q. You sort of referred to in your answer -- and I
 23 know it's referred to in your interrogatory
 24 responses -- is that Marge was putting forward the

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1 position of the administration versus, I guess, what
 2 you believe to be the position of the F.O.P.?

3 A. In that meeting with Mr. Sapp, yes.

4 Q. But I just didn't quite hear or possibly
 5 understand because all she said is that's for the
 6 administration to decide later on. Is that --

7 A. We -- myself and several of the other officers

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8 in that room were understandably upset because the
9 positions were supposed to be -- they promised to be
10 filled on the 1st. He then indicated that he wasn't
11 going to fill those positions. We asked candid
12 questions. Does that mean if there are other
13 openings, are you not going to fill them? Does that
14 mean -- because there was a lieutenant who was
15 retiring. Does that mean when he retires, you are not
16 going to fill another sergeant's position as in the
17 past? Marge Ellwein answered for him rather than
18 allowing him to answer. She said that is for -- that
19 is the administration's position.

20 Q. And that is something that the administration
21 could and would decide?

22 A. Yes. Yes, ma'am.

23 Q. Do you recall who called this meeting?

24 A. I am only assuming the director. It was held

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1 in his office. But I am not certain.

2 Q. Did you have any conversations with Marge or
3 any of the other officers or the director, for that
4 matter, after this meeting?

5 A. Oh, yes. Yes, ma'am. We spoke in the parking
6 lot afterward. Again, we were pretty disappointed and
7 upset that the positions weren't going to be filled.
8 Even if you are not promoted, you still move up on the
9 list. So for people who may not have been chosen,
10 their chances -- and even the ones not in the top five
11 move into the top five. So it was pretty upsetting.

12 We met out in the parking lot afterward.

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5 committee, is there a tape of that?
6 A. No.
7 Q. Do you know if minutes are kept?
8 A. There may be, yes.
9 Q. Did you take any notes?
10 A. I did not.
11 I would like to clarify why it wasn't
12 approved.
13 Q. Okay.
14 A. I didn't pursue it. The rules committee makes
15 a ruling, and then it goes to the body, the F.O.P.
16 body. And the rules committee ruled on it, approved
17 it. It went to the body, and it was tabled. Exactly
18 why it was tabled, I don't specifically recall. I
19 think it may have had something to do with initially
20 we were asking for 3,000, and then we were asking for
21 5,000. And it was tabled. And then I didn't pursue
22 it any further.
23 Q. When it was tabled and when it was approved by
24 the rules committee, that's still as a group

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1 collectively you are seeking the funds?
2 A. No. At that point, it was just me.
3 Q. Even when it comes out of the rules committee,
4 it's just you?
5 A. I apologize for being a little hazy, but I do
6 recall that Rob Joseph did stand up and speak at an
7 F.O.P. meeting with regard to the funding. So he
8 may -- he and Joe still may have been a part of that
9 when it was first read at a F.O.P. meeting. I don't

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10 remember for certain.

11 Q. What happened to the other officers on the
12 list? Did they not want to pursue a legal opinion?

13 A. I think they grew tired of waiting. So at some
14 point, they dropped out.

15 Q. Did they specifically tell you their reasoning?

16 A. No.

17 Q. They just said they were no longer interested?

18 A. I didn't actually speak with them personally.
19 So I don't know what they said.

20 Q. Did you ever at any point ask any of the
21 officers that were initially involved in this, being
22 Wendi Feeser, Trish Davies, John Treadwell, Rob
23 Joseph, Joe Trala --

24 A. Rich Dunning.

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1 Q. -- and Rich Dunning, did you ever ask them to
2 join in on your lawsuit against the County?

3 A. No.

4 Q. You had indicated before that you had, I guess,
5 spoke out at a F.O.P. meeting where you had confronted
6 Marge about changing her position?

7 A. Yes, ma'am.

8 Q. Do you recall when that meeting was?

9 A. I have attended several. It was definitely
10 last year, either in the fall or winter, before the
11 list expired in December.

12 Q. And you indicated there were other board
13 members that were surprised that the position was
14 being changed. Do you know who they were?

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15 A. I'm sorry. I didn't follow you. You mean
16 other F.O.P. members?

17 Q. Yes.

18 A. Do I remember who they were?

19 Q. Mm-hmm.

20 A. Well, a lot of retirees that were there came to
21 me and were -- you know, I don't understand the
22 opposition or the change of heart in light of the
23 other funding that was provided for other people.

24 Q. Are there any minutes kept of these meetings?

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1 A. I believe so, yes.

2 Q. Do you know if they're recorded?

3 A. I don't think audibly recorded. I think they
4 keep minutes.

5 Q. Did you take any notes of them?

6 A. I did not.

7 Q. You talked about that Marge worked on Chris
8 Coons' campaign. What type of relationship do you
9 think she has with the administration?

10 A. Well, from an F.O.P. president standpoint, an
11 inappropriate relationship. She was on his transition
12 team. She was a part of his -- had worked on his
13 campaign. Spent countless hours in Guy Sapp's office.
14 She and Kathy Riddell, who also was a member in the
15 F.O.P., held fundraisers. That's their -- I
16 understand that's their prerogative. But from the
17 president of the union's perspective, to me, in my
18 opinion, the relationship is completely inappropriate.

19 Q. These activities they did at that time, were

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20 they ever done as the F.O.P. president?

21 A. I don't know. I simply don't know.

22 Q. Do you know what the F.O.P.'s position has
23 historically been on officer strength versus sergeant
24 supervisor positions?

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1 A. I don't know.

2 Q. Returning back to Exhibit 1, paragraphs 11 and
3 12. You refer a lot to the budgetary discussions and
4 the fiscal positions the different fiscal years. Did
5 you participate in any of the budgetary discussions?

6 A. No, ma'am.

7 Q. Have you had any conversation with anyone who
8 helped prepare the budget?

9 A. No, ma'am.

10 Q. How would you characterize your relationship
11 with Allison Levine Taylor?

12 A. Now or when she first started?

13 Q. You can give me both.

14 A. Well, when she first started, very friendly.
15 Not -- we didn't go out for cocktails or anything like
16 that. We spoke on the phone when she was hired. I
17 called her and congratulated her. I was looking
18 forward to working with her. I wasn't very friendly
19 with the previous communications person from the
20 previous administration. I was looking forward to
21 working with her. She also -- we got along pretty
22 well. We knew each from the News Journal. We knew
23 while she worked for the Delaware Medical Examiner's
24 office. We had a really good working relationship.

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9 off-site. It wasn't -- I don't eat Dunkin' Donuts or
10 drink coffee or anything like that. I think that was
11 just a decision that we got, that we would just have a
12 conversation off-site. I don't recall it being her
13 idea or my idea.

14 Q. Did you feel like you couldn't talk in the
15 office?

16 A. There were, times, yeah. There were times,
17 yeah, when I felt like I couldn't talk to her.

18 Q. Why was that?

19 A. Because my -- the chief of police, where I
20 work, is right in his office. So rather than say
21 things specifically about the meeting we had, I wanted
22 to do it in privacy.

23 Q. It says here, in your complaint on paragraph
24 20, it says here -- the last sentence in that --

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1 "Plaintiff suggested that he and Levine meet in person
2 to discuss what he described as a bad situation."
3 When you say in person, could that have been at the
4 Police Department or do you think you suggested you
5 meet off-site?

6 A. I don't remember if it was me or her that
7 suggested meeting off-site. I know she didn't want to
8 meet here. There is really no place for me to
9 privately meet with her at the Police Department. My
10 office is in an area that is sort of a common area.

11 Q. Did you tell anybody that you were going to
12 meet with her?

13 A. I might have told the colonel. I am not 100

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14 percent certain. But I think I probably did tell him.

15 Q. Do you think what his response was, if any?

16 A. No.

17 Q. And did you take any notes in the conversation
18 that day?

19 A. Not during the conversation, no.

20 Q. Did you take any notes afterwards?

21 A. Yes.

22 Q. Do you have them with you?

23 A. No.

24 Q. Have you provided them to us?

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1 A. No. There is a reason.

2 Q. What's that reason?

3 A. They're no longer on my computer.

4 Q. Did you ever print them out?

5 A. Yeah. Yes, ma'am.

6 Q. What did you do with that?

7 A. I am not sure.

8 Q. Do you think you still have a copy of it?

9 A. I looked. I don't have it.

10 Q. Do you recall what the notes said?

11 A. Yes, ma'am.

12 Q. What did they say?

13 A. They said what is in the -- in this document
14 here as far as the meeting, the location, the time,
15 what we spoke about. That's what is in document No.

16 1.

17 Q. Why did you take those notes?

18 A. Well, after I came back to the building, I was

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19 like, I can't believe she said all that. I can't
20 believe she would tell me how much the County
21 Executive hated me; how much they distrusted me; how
22 she knew that the positions were going to be withheld
23 before even going into that meeting; how she expressed
24 that it would not be in my best interest to stay on

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1 the McAllister team; that not to be labeled as someone
2 not on Chris' team. All the things that she said, you
3 know, about Chris Coons buttering the bread, she said
4 all that stuff, and she didn't dispute it in her own
5 deposition. After that was over, I went back and
6 wrote everything down as best as I can recall.

7 Q. When was the last time you saw those notes?

8 A. Shortly after writing them.

9 Q. Did you take a copy to your attorney?

10 A. I took a copy -- I provided a copy of documents
11 to my attorney, but it was not that specific document.

12 Q. Did you e-mail it to anybody?

13 A. No, ma'am.

14 Q. Is there a reason why you erased it off your
15 computer?

16 A. I did not erase it.

17 Q. Did you save it?

18 A. I did, yes.

19 Q. You said it's no longer on your computer?

20 A. It is not.

21 Q. Why is that?

22 A. I don't know for sure, but I do know that my
23 computer has been searched; my desk has been searched;

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24 my car while parked in my driveway has been searched.

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1 So I can only guess that it was taken off. But that's
2 a guess. I don't know for sure. I can tell you that
3 it's not or no longer on my computer.

4 Q. So you did it on your work computer?

5 A. Yes, ma'am.

6 Q. And did you save it onto the G drive?

7 A. I saved it in the -- either my P drive or the C
8 drive. I save most of my documents on the P drive so
9 it's backed up, but I am not certain that I saved
10 that I saved it on the P drive or the C drive.

11 Q. When was it that you noticed it was no longer
12 there?

13 A. Well, a few months ago I went to try to
14 retrieve it to sort of rehash my recollection of the
15 conversation, and it was not there. I went into my
16 files to look to see if I could find it, and I
17 couldn't find it.

18 Q. And I assume you are like every other employee
19 in the county, you have a password protected computer
20 entry?

21 A. To sign onto my computer, yes, ma'am.

22 Q. And you indicated that your computer had been
23 searched. How do you know that?

24 A. Well, one of the -- I don't remember which --

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1 one of the IS guys in the building said my computer

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2 was put -- they changed out the hard drive at some
3 point after I filed suit. They put my -- contents of
4 my computer on the network, and then at some point put
5 it back on the computer and the hard drive was
6 changed. And I assuming my computer was searched
7 because that document is no longer on there.

8 Q. Any other documents that are missing, that you
9 are aware?

10 A. I couldn't tell you.

11 Q. And you said you don't know who the person was
12 from IS who told you this?

13 A. I am not sure if it was -- it definitely wasn't
14 Jim Shiffley. It definitely was not Steve Morando.
15 It wasn't Joel. There are a few newer IS guys whom I
16 don't know them by the first name.

17 Q. Did this conversation happen in person or over
18 the phone?

19 A. No. It was in-person. It was at my desk.

20 Q. Do you recall what the person looks like?

21 A. Yeah. Dark hair, olive complexion. I believe
22 it was either him -- there is two new guys in the
23 building. Actually three new guys. It was one of the
24 three new guys.

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1 Q. You also said that your desk had been searched?

2 A. Yes, ma'am.

3 Q. How do you know that?

4 A. Well, I am not going to lie to you and tell you
5 I keep a tidy desk. I sort of know where most of the
6 things are. I keep my time sheets in a certain area.

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7 I keep my time card in a certain area. And just other
8 things were just moved, were disturbed. So that's
9 what leads me to believe that my desk was searched.

10 Q. Anything other than that?

11 A. Well, Scott McLaren, when he -- he had gone
12 away -- and this was early into his tenure as acting
13 chief -- he actually put tape on his dresser -- not
14 dresser, desk drawers. And when he came back, the
15 tape was broken.

16 Q. Anything else specific to your desk?

17 A. No, ma'am.

18 Q. You also, I think said your personal vehicle or
19 your police vehicle was searched?

20 A. My police car.

21 Q. How do you know that?

22 A. When I went out to my car on an occasion late
23 summer, early fall, my seat -- the position of my seat
24 had been moved. I keep cups sort of in between my

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1 seats. I keep change in them. Things like that.
2 They had been moved. They were actually on the floor.
3 And the cable for my laptop computer, which I don't
4 keep in my car because I don't have one any longer,
5 was out from under the seat, where it's not kept. I
6 keep it tucked under the seat. It was up on top of
7 the seat on the passenger side.

8 Q. Do you lock your police vehicle every night?

9 A. Mostly. I say mostly because there is
10 occasions when I take my daughter out of the car as I
11 pick her up after work from daycare, there are times

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12 when, because I have hands full, I forget to lock it.

13 I try to lock it every night, yes.

14 Q. Do you recall whether or not you locked it that
15 night before?

16 A. I think I did. I don't know for sure. It was
17 locked in the morning.

18 Q. Okay. Back to the conversation that you had
19 with Allison Levine Taylor at the Dunkin' Donuts. Did
20 you tape-record that conversation?

21 A. No, I did not.

22 Q. Did you -- that day, did you discuss your
23 conversation with anybody else? The discussion you
24 had with Allison, did you then discuss that with

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1 anybody else?

2 A. Yes.

3 Q. Who?

4 A. I spoke to the chief of police about it. I
5 spoke to -- that day or after that day?

6 Q. Either.

7 A. I spoke to the chief of police that day. I
8 spoke to several others, including my attorney,
9 including members of the F.O.P., including PLEA,
10 including Larry Mitchell, who is a member of the state
11 F.O.P. and a County police sergeant.

12 Q. What did you, basically, tell them?

13 A. Well, that I had a meeting with Allison Levine,
14 and she indicated that I was not liked by the
15 administration; that I was on the losing team; that if
16 Dave McAllister went down, I would go down with him.

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17 She even said I should try to get another job
18 somewhere else in the County so I wouldn't show my
19 allegiance to Dave McAllister and other stuff that's
20 in this complaint, document No. 1.

21 Q. I'm sorry. The meeting that you had with
22 Allison, at the time you meet with her, do you know
23 whether or not there is going to be the two additional
24 promotions?

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1 A. Not for sure, no. I had heard rumor that they
2 weren't going to be filled. And Allison Levine
3 herself said in her deposition that she knew that they
4 weren't going to be filled.

5 Q. Throughout your complaint you reference your
6 conversation with Allison and then in some portions
7 you use quotation marks to indicate certain things
8 that you claim Allison had stated. And then in one
9 particular paragraph, I think, which is 26, you state
10 that based upon information and belief you believe
11 those statements that Allison made are attributed to
12 the County Executive Chris Coons. Can you state your
13 basis for that?

14 A. Well, Allison herself had said she had several
15 conversations with the County Executive with regard to
16 me and my work performance as a PIO. She did detail
17 those in her deposition. She, however, couldn't
18 remember what his responses were.

19 She being the PIO is in the core team. She
20 is directly associated, involved with the County
21 Executive. It is my opinion that what she was telling

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22 me was from him -- not necessarily as a message, but
23 it was from him. The fact that they didn't trust
24 Trini; the rumors that she had heard about my

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1 involvement in some murder investigation in Las Vegas
2 and other things that she said about me I attribute
3 coming from Chris Coons.

4 Q. But she never said to you Chris said this?

5 A. She did not.

6 Q. You indicate in paragraph 20 in the complaint
7 that you advised Levine that you would not in good
8 conscience do anything to assist her or the
9 administration to ruin McAllister's reputation. Did
10 Allison ever ask you to do anything to ruin
11 McAllister's reputation?

12 A. No.

13 Q. Did the administration ever ask you to do
14 anything to ruin McAllister's reputation?

15 A. No.

16 Q. You indicate that Allison told you that you
17 were on the losing team and your career would be
18 harmed if you continue to be on McAllister's team. I
19 apologize. That's paragraph 21. And that you would
20 have a long and difficult seven years ahead of you,
21 assuming Coons was reelected. Did you ever ask her
22 what exactly she meant by those statements?

23 A. No.

24 Q. Again, in paragraph 22, she states you don't

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1 want to be labeled as not being on Chris' team. Did
2 you ask her what exactly that meant?

3 A. I did not.

4 Q. At no time did she say that Chris told her
5 that?

6 A. She did not.

7 Q. Do you recall Allison telling you that she
8 really she didn't know how the promotional process
9 worked.

10 A. I don't recall that.

11 Q. In paragraph 24, you indicate that Allison
12 said, "well, that's how politics worked." Did you
13 ever ask her to clarify what she meant by that?

14 A. No. I can tell you that that is a direct
15 quote.

16 Q. But you never asked her what that meant?

17 A. I don't know that I asked her what that meant
18 but I indicated to her that politics should not be
19 involved in the promotional process.

20 Q. She never told you, though, that "that's how
21 politics worked" even referred to the promotional
22 process, did she?

23 A. That's what she's referring to, the fact that
24 promotions were being held and I was not being

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1 promoted. She indicated that's how politics work.

2 Q. You were present at her deposition?

3 A. Yes, ma'am.

4 Q. And she articulated that when she said "that's
5 how politics worked," that she meant some

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6 administrations want more patrol strength and some
7 want more supervisory positions. Do you recall her
8 saying that?

9 A. Not in that context, no.

10 Q. Again, she did not tell you ever that the
11 County Executive said, "well, that's how politics
12 worked." Did she?

13 A. No, she did not say that.

14 Q. With respect to the statement that you allege
15 she said about Chris butters the bread, did she ever
16 tell that you that was a direct quote from the County
17 Executive?

18 A. No.

19 Q. You didn't ask her to further clarify what she
20 meant by that?

21 A. It was clear what she meant.

22 Q. What did you think she meant?

23 A. She meant if he didn't want me promoted, that
24 wasn't going to happen.

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1 Q. That's what you took from Chris butters the
2 bread?

3 A. Yes.

4 Q. I am going talk about the conversation that
5 we've talked about it throughout the deposition, but
6 specifically about the conversation that you had with
7 Cris Barrish. Do you recall exactly when that
8 conversation took place?

9 A. I can look at the notes and tell you if that's
10 okay.

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- 11 Q. Is it in the complaint?
12 A. Yes, ma'am.
13 Q. It may be paragraph 18.
14 A. On June 26th or June 27th.
15 Q. Okay. who initiated the phone call?
16 A. He called me.
17 Q. Can you tell me what he said?
18 A. Well, my best recollection of what he said was
19 he had had information that confirmed that the
20 initials in the document, DM, were in fact Dave
21 McAllister and that he was going to author a story to
22 say that, in effect.
23 Q. Did he ask you for confirmation of that?
24 A. No.

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- 1 Q. Was he just giving you a heads-up?
2 A. No. Cris is a savvy reporter who has been
3 around for a long time, who will try to make friends
4 with you and then obtain information from you sort of
5 off the record and -- well, I know better than to go
6 off the record with Cris Barrish. We had a
7 conversation. The way Cris talks is sort of
8 whispering, hey, you know, what can you tell me about
9 this, what can you tell me about that. I didn't
10 answer any questions with regard to the investigation.
11 He asked about the initials. After answering and then
12 telling him I couldn't help him, I told the chief of
13 police.
14 Q. What did you tell -- you said you gave no
15 response to the questions about the investigation?

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15 know, keep your chin up. He understands you are being
16 punished, but it's happened to him. So, you know, try
17 to keep a positive attitude about it.

18 I know that Captain Debra Rees did the same
19 thing, also went to Captain Setting and told him, you
20 know, you are being punished, keep your chin up, you
21 will get past this.

22 Q. What is it that Elmer Setting is allegedly
23 being punished for?

24 A. Well, you asked questions about Elmer earlier

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1 with regard to his promotions. I know that people who
2 are loyal to Dave McAllister are being retaliated
3 against. Elmer Setting was loyal to Dave McAllister.
4 Elmer Setting was promoted by Dave McAllister. And I
5 believe that Elmer Setting has been retaliated against
6 because of his allegiance, not unlike how I am being
7 punished.

8 Q. The only retaliation that you see is just being
9 transferred to a different is it, you called, unit?

10 A. A different command. The command was patrol.
11 Now it's records. It's been recognized by members of
12 the staff as well. It's not just a perception of mine
13 or his.

14 Q. Who else on the staff you believe recognize
15 this. You said Debra Rees. Right?

16 A. Yes, ma'am. Major Hedrick and Acting Colonel
17 McLaren.

18 Q. Anybody else?

19 A. I never actually spoke or have knowledge of any

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20 of the other captains.

21 Q. Any conversations with Allison Levine that we
22 haven't already discussed?

23 A. No.

24 Q. I want to draw your attention now to No. 11 in
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1 the interrogatories. This one was state the reasons
2 why you believe the statements made by Allison Levine
3 are attributed to Christopher Coons. I didn't see
4 anywheres in the complaint here. Can you give me a
5 specific date and time or a date as to when Allison
6 Levine told you that Christopher Coons hated you?

7 A. On whatever date we met late in June, we met in
8 Dunkin' Donuts, some of the sentiments she shared with
9 me as far as they dislike me. I don't know that she
10 said hate. I don't recall specifically. But she said
11 they don't trust me; don't yourself trust him. Things
12 of that nature.

13 Q. Did she ever state whether or not those
14 statements were specifically made by Chris Coons?

15 A. She did not.

16 Q. I draw your attention now to No. 14 in the
17 interrogatory. It's going to be paragraph 4. You say
18 you had a private conversation with Colonel
19 McAllister; Lieutenant Schreiber; Larry Mitchell and
20 Rob Schlecker, and that was to seek advice on how to
21 proceed with the issues, that you believe that the
22 F.O.P. no longer supported your initial -- their
23 initial position. What was their response or what was
24 their recommendation given by those people?

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1 A. You mean the -- I'm sorry. I lost you.

2 Q. What was the recommendation that -- or what
3 exactly was the conversation that you had with Dave
4 McAllister; Lieutenant Schreiber; Larry Mitchell and
5 Robert Schlecker?

6 A. Well, I outlined what I believe was -- I was
7 being punished for being loyal to Dave in being
8 withheld my promotion. And the chief of police
9 himself, a person who has this stated authority,
10 written out, a person who promotes, hires, fires,
11 disciplines people on the Police Department, he
12 himself wanted to promote me. He made it perfectly
13 clear. If not for what Guy Sapp says was his decision
14 and his decision only, it would have happened.

15 And the other variables, including the
16 conversations with Allison Levine, and the fact that
17 maybe seven people were promoted until they got me.
18 The fact that there were budgeted positions that were
19 signed off and approved by County Council and the
20 County Executive. And other influences that suggest
21 that we need more supervisors.

22 All that was discussed. And their
23 conclusion was that you tried the F.O.P., they didn't
24 help -- in fact, they said that they weren't going to

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1 take a position, although they have taken positions
2 plenty of times in the past for promotions -- now you

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23 Levine. Allison Levine also indicated that during
24 core meetings that she had with the administration's

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1 core people that they discussed me. She did say that
2 they, Dave Singleton, Lynn Howard, Nicole Majeski,
3 Rich Przywara -- I don't know specifically if she say
4 Charlotte Crowell or Guy Sapp, but she said that they
5 did not like me or trust me.

6 Q. Did she say they had any specific examples that
7 you were corrupt?

8 A. No.

9 Q. How about the other people that you have
10 listed?

11 A. She did say that she had heard that I had
12 influence in a murder investigation. She did say that
13 I conducted campaign work on County time. She did say
14 that she heard that I had perjured myself. She said
15 all these things that were rumors that were generated
16 from people such as Drew Outten, Bill Harden. I don't
17 know about Patrick Crowell.

18 Q. Anything else that these people specifically
19 stated about the fact that you were corrupt that was
20 related to Chris Coons?

21 A. Not that I can recall.

22 Q. On bullet point No. 2, you say that these
23 people that are underlined have been involved in,
24 basically, you being denied a promotion and

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1 retaliated -- and the retaliation of not only
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2 yourself, but numerous officers. How has Annie Coons
3 been involved in having you been denied promotion?

4 A. Well, again, according to Allison Levine, Annie
5 Coons hated McAllister. I would love to look at the
6 notes that I had put together after I this
7 conversation I had with Allison. I don't have it
8 unfortunately. So I don't know if she said anything
9 specific about me or not.

10 But it's clear that each and every one of
11 these individuals, their dislike for Dave McAllister,
12 I was associated with Dave McAllister, and other
13 officers, and I was retaliated against as well as
14 other officers.

15 Q. But no specific examples what these people have
16 done to retaliate against -- aside from the examples
17 you have already given about Dave Singleton, but with
18 respect to the other people listed in No. 16, bullet
19 point 2, no specific examples of how they have denied
20 you a promotion or retaliated against you?

21 A. Again, Dave Baylor, who was a member of the
22 transition team, knew that there -- the transition
23 team and Chris Coons' administration's ultimate goal
24 was to remove Dave McAllister from the position of

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1 chief of police. Guy Sapp himself said in an open
2 forum he spent his entire tenure, prior to Dave
3 leaving, in investigations into Dave McAllister. The
4 individuals listed in this bullet point are all
5 anti-Dave McAllister, therefore, anti-Trinidad
6 Navarro.

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7 Q. Skipping the bullet point about Marge Ellwein
8 because I think we have addressed that. Going to the
9 bullet point about Dave Singleton. I think we've
10 covered that.

11 You say here "Drew Outten has spent
12 countless hours trying to locate ways to ruin Dave
13 McAllister and other officers who were loyal to him."
14 Can you explain how you know that and any specific
15 examples?

16 A. Drew Outten at one point was commander of our
17 professional standards unit. He did do unauthorized
18 investigations into officers and their conduct.
19 Specifically, one occasion occurred with an officer,
20 Corporal Amy Keevis, who he, Drew Outten, called her
21 house to tell her ex-husband that she was seeing
22 someone else. That investigation was not only
23 inappropriate; it wasn't authorized. Corporal Keevis
24 did file a complaint. I don't know what the outcome

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1 of the complaint was.

2 Q. How do you know all that?

3 A. Corporal Keevis told me.

4 Q. You don't know whether or not Drew Outten was
5 disciplined for that?

6 A. I don't know.

7 Q. When you say that an investigation is -- we
8 talked about this before -- unauthorized, can only the
9 chief of police authorize an investigation through
10 PSU?

11 A. That's the way it had been written. I know

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12 they're rewriting the directives to include the
13 director of public safety. I don't know if that's
14 been changed or not. Traditionally the chief of
15 police has to authorize investigations.

16 Q. PSU doesn't normally just do an investigation
17 on their own?

18 A. They may start one if a complaint comes in, but
19 the chief will have to approve it.

20 Q. Any other examples with respect to Drew Outten
21 and Dave McAllister?

22 A. Yes. Drew Outten was scheming for months. He,
23 Marge Ellwein, and others were scheming to rid the
24 County of Dave McAllister. I know this because Marge

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1 Ellwein had asked people at different meetings to take
2 photographs of the chief at different meetings where
3 alcohol was being served.

4 I know this because Drew Outten, Pat
5 Crowell, Bill Harden all schemed while Colonel
6 Cunningham was still in office for ways to ruin the
7 reputation of the Police Department. I can tell you
8 this, they -- each met and -- on several occasions
9 with not only themselves, but members of this
10 administration to do things to try to find a way to
11 rid the Police Department of Dave McAllister. I had
12 an example in my mind, but I just lost my train of
13 thought.

14 Go to the next question, and I'll try to
15 recall.

16 Q. Do you have any factual basis for any of the

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17 allegations you just made?

18 A. Yes. I apologize for the delay. At a F.O.P.
19 meeting, in an open forum, Kathy Riddell had a list of
20 people who made contributions to Sherry Freebery.
21 Kathy Riddell said in that meeting to Bruce Pinkett,
22 who was also a member of the Police Department and a
23 member of the F.O.P., that these people who made these
24 contributions were finished.

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1 Q. Do you recall when that meeting was?

2 A. I don't. It was --

3 Q. Around about?

4 A. It had to be sometime around or shortly after
5 the primary.

6 Q. And that was made at a F.O.P. meeting?

7 A. It was at an F.O.P. function.

8 Q. Do you know who else was on that list?

9 A. I didn't see the list.

10 Q. You've also indicated in here, and we've talked
11 about it before, that you believe that Drew Outten
12 started a rumor about you, that you perjured yourself
13 in front of the grand jury.

14 A. Yes, ma'am.

15 Q. What exactly did he say was the perjury?

16 A. I don't know. This was a rumor that was
17 rampant around the Police Department and outside the
18 Police Department. After speaking to him about the
19 rumor that I repeated about him and confronting him
20 with that, my belief that he started that rumor, he
21 didn't deny it.

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22 Q. Other than him not denying it, do you have any
23 other basis to believe that he was the one that
24 started the rumor?

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1 A. Any tangible physical proof, no.

2 Q. Have you been questioned by the U.S. Attorney's
3 Office regarding any perjury that you may have done in
4 front of the grand jury?

5 A. No.

6 Q. Have you been questioned by the Attorney
7 General's office for any perjury you may have done?

8 A. No.

9 Q. In the next bullet point, you list, I guess,
10 several other officers that you are stating have been
11 retaliated against by the administration due to their
12 alliance to Dave McAllister. I think we have gone
13 over Elmer Setting, which is you believe he was
14 transferred from patrol to records. Is that correct?

15 A. That's my belief and several members of the
16 chief's executive staff's belief as well.

17 Q. Were there other people transferred?

18 A. Yes.

19 Q. When he was?

20 A. Yes. The rationale was that they wanted the
21 captains to be diversified in their command. So they
22 transferred a lifetime detective, Captain Watson, to
23 detectives. They moved other captains around, but it
24 didn't -- it didn't seem to make much sense with

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1 respect to trying to diversify the command for take
2 reason. Again, the executive staff also concurred
3 that Captain Setting was being retaliated against.

4 Q. Who specifically in the executive staff?

5 A. Major Snyder, Captain Rees, Major Hedrick. And
6 I don't know about the others.

7 Q. What retaliation and facts do you have that
8 support your claim that Lieutenant Wendy Hudson has
9 been retaliated against?

10 A. Lieutenant Wendy Hudson was, in Dave
11 McAllister's words, his confidante. They were very
12 good friends. Shortly after he was either removed or
13 retired, there was an investigation into Lieutenant
14 Hudson that lasted for a significant amount of time.
15 She was placed on administrative leave with pay for at
16 least two months.

17 She was disciplined for violations, such as
18 insubordination. She, essentially, forgot to send
19 somebody to a council meeting, so they charged her
20 with insubordination. She was off for two months. I
21 know I said that. But while everyone else was
22 working, she had to pack up her things and leave
23 during the evening tour. Get your things out of your
24 desk and go. Two months later, she came back to work

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1 and was disciplined for a couple minor infractions.

2 According to Scott McLaren's own words, the
3 investigation was conducted by Drew Outten, and it was
4 a shabby or shoddy -- I don't remember exactly how he

5 worded it, but it was not a good investigation.
6

7 Q. Anything else with respect to her? She still
8 holds the rank of lieutenant?

9 A. She does.

10 Q. Anything else with respect to her?

11 A. None that I can recall.

12 Q. What about Lieutenant Robert, is it McLucas?

13 A. Yes. He was mysteriously transferred from
14 detective to patrol, meaning from a day work job,
15 which is on-call, but from a day work job to shift
16 work. I spoke to him. He didn't request it. He
17 didn't know why he was transferred.

18 Q. Were any other lieutenants transferred at that
19 time?

20 A. I don't know for sure.

21 Q. Again, just so that I am clear, a transfer is a
22 lateral move; it doesn't interfere with your pay?

23 A. No. It is a lateral move.

24 Q. Sergeant Fred Calhoun?

A. Sergeant Fred Calhoun in an open forum at

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1 roll-call questioned why we as a Police Department and
2 union did not have a contract. He was later
3 investigated for criticism -- investigated by
4 Professional Standards for criticizing the County
5 Executive. They were moving to terminate Sergeant
6 Calhoun.

7 Now, that did not happen. If you are
8 accused, an officer is accused of wrongdoing, they are
9 allowed to know who came forward with that allegation.

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10 That never happened because the administration didn't
11 want Fred Calhoun to know who reported this to the
12 administration.

13 Q. How do you know that? How do you know what the
14 position of the administration was?

15 A. Fred told me.

16 Q. Did somebody from the administration
17 specifically tell Fred that?

18 A. No. I don't know. It was Fred's belief that
19 Marge Ellwein went to Guy Sapp and told him that he
20 had said some negative things about the
21 administration. It was at that point the Professional
22 Standards conducted an investigation with the
23 intentions to remove or fire Sergeant Calhoun.

24 Q. How do you know what the intentions -- that the
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1 intention was to remove him?

2 A. That's what Fred told me and his wife.

3 Q. Anything else -- he is still currently here.
4 Correct?

5 A. He is. The investigation was dropped because
6 they were protecting Marge Ellwein, according to Fred
7 Calhoun.

8 Q. What about Sergeant Joseph Meriggi?

9 A. Sergeant Meriggi was disciplined for a series
10 of allegations with respect to the pay job account.
11 Sergeant Meriggi did exactly what he was trained to
12 do. He --

13 Q. Is that your opinion?

14 A. No. That's what he told me.

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15 Q. Okay.

16 A. He and Sergeant Paul Neil were both
17 disciplined, received major discipline for signing
18 each other's names on paychecks to expedite paychecks
19 for officers. They too were close friends of the
20 chief of police. They too were promoted by the chief
21 of police.

22 Q. Both still currently hold the rank of sergeant?

23 A. They both do, although they were offered
24 demotion and at one point were offered -- well, were

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1 told they were going to be fired.

2 Q. But were not?

3 A. Were not. Were disciplined, I think, 30 days
4 each.

5 Q. Have you had the opportunity to read the PSU
6 file with respect to the paid duty fund investigation?

7 A. No.

8 Q. Did you have any detailed discussions with
9 anyone regarding that PSU file?

10 A. I had detailed discussions with Sergeant
11 Meriggi and Sergeant Neil who were both fearful that
12 they were going to lose their jobs.

13 Q. They were part of -- they were both being
14 investigated?

15 A. Yes.

16 Q. Anybody outside of that?

17 A. What was the question?

18 Q. Had you had any conversations, specific
19 conversations regarding the PSU investigation into the

20 paid duty job fund? 0522v1tn 1r

21 A. I had lots of conversations with people who did
22 not have direct knowledge.

23 Q. What about Sergeant Wayne Pennington?

24 A. Sergeant Wayne Pennington was actually fired

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1 for his involvement with the paid job account and
2 other charges. He's presently in the process of, the
3 last step of grievance process. And, you know, this
4 is just my belief. I have no factual background. I
5 believe he will get his job back. He was also a good
6 friend of the chief of police. He was also promoted
7 by the chief of police, Dave McAllister.

8 Q. Anything else with respect to him?

9 A. No.

10 Q. Sergeant Bruce Pinkett?

11 A. Sergeant Pinkett was the officer we spoke about
12 earlier who was sent to the FBI Academy. This
13 happened before Guy Sapp was hired. He was -- Dave
14 Singleton wanted to see his personnel file and other
15 information about Bruce Pinkett in an attempt to block
16 his attendance in that FBI Academy. This was told to
17 me by Colonel McAllister and by Sergeant Bruce Pinkett
18 himself.

19 Q. Did Colonel McAllister, Sergeant Pinkett give
20 you any factual basis that they believe that the
21 review was to block him from going to the FBI
22 training?

23 A. I don't know of any specifics. That was their
24 opinion. Coupled with the personnel files that went

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- 1 over to Mr. Singleton's office.
- 2 Q. What about anything else with respect to Bruce
- 3 Pinkett?
- 4 A. No, ma'am.
- 5 Q. Currently holds the position of sergeant?
- 6 A. He does. He was, however, transferred from
- 7 detectives to patrol before he even came back from the
- 8 training. I don't know that that's ever happened.
- 9 Q. Other transfers occurred at that time?
- 10 A. I am not sure. I think, but I am not certain.
- 11 Q. Corporal Gorman Swift?
- 12 A. Corporal Gorman Swift was the executive officer
- 13 who was in charge of security for Tom Gordon. After
- 14 Tom Gordon left office, Gorman Swift was assigned a
- 15 position in our crime analysis unit. He was our pawn
- 16 officer. He reviewed pawn sheets. He would see who
- 17 was pawning stolen property. He did an excellent job
- 18 in that position. But shortly after, I would say,
- 19 maybe several months he was transferred from that
- 20 position as well. And according to him, and it's my
- 21 belief, that he was transferred because of his
- 22 allegiance to Tom Gordon and --
- 23 Q. Where was he -- go ahead.
- 24 A. To the street. I'm sorry. He was transferred

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- 1 because of his allegiance to Tom Gordon and Dave
- 2 McAllister. He was transferred to the street from a
- 3 day work job, which was Monday through Friday, 8:00 to

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4 4:00.

5 Q. Corporal Jeffrey Hill?

6 A. Jeffrey Hill had a disagreement with a
7 supervisor. He complained about it and was later
8 transferred because of his complaint. He was
9 retaliated for making a complaint against a superior.

10 Q. Do you know who his superior was?

11 A. Sergeant Nichole Haden. I know the
12 investigation was conducted by Captain Mark Hitch.
13 Shortly after the completion of the investigation,
14 Jeff Hill was transferred.

15 Q. From where to where?

16 A. From the mounted unit to patrol. I know this
17 because Jeff told me specifically.

18 Q. Anything else with respect to him?

19 A. No, ma'am.

20 Q. Officer Joanna Burton?

21 A. Officer Joanna Burton and her husband were good
22 friends of the chief of police. Their children
23 attended birthday parties together, things of that
24 nature. She was transferred from the community

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1 services unit shortly after the colonel left office or
2 while he was in -- while he was still here. I am not
3 sure when she was transferred from community services
4 back to patrol, which was pretty much a day work job,
5 Monday through Friday. She went back to patrol and
6 shift work.

7 Q. Anything else?

8 A. There may be others. I just can't recall off
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9 the top of my head right now.

10 Q. Okay. The next bullet point is you indicate
11 that there was secret unauthorized investigations
12 without the approval of the chief of police. I am
13 assuming by the way your answer is written here that
14 those investigations were done by Bob Larrimore
15 Sergeant Yeager and retired Lieutenant Booker?

16 A. Yes, ma'am.

17 Q. What specific cases and unauthorized
18 investigations are you referring to?

19 A. Lieutenant Colonel McLaren did indicate there
20 were investigations being conducted without his
21 authorization in his deposition. I don't know
22 specifically about any investigations that were
23 presented or authorized without the colonel's
24 permission. I think that if Sergeant Larrimore,

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1 Sergeant Yeager and Lieutenant Booker were deposed and
2 answered honestly, they would share that information
3 with you. I don't have specifics with regard to that.
4 I do know that Lieutenant Colonel McLaren did say
5 there were investigations going on without his
6 approval or authorization.

7 Q. That's what you are basing this answer on?

8 A. Yes, ma'am.

9 Q. The next bullet point, you state here "The
10 following members of Dave McAllister's staff were
11 present at meetings where they discussed different
12 ways to get rid of him." Do you mean him, Dave
13 McAllister --

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14 A. Yes, ma'am.

15 Q. -- or "him" being you? Okay.

16 A. I know this because Major Snyder and I think
17 Captain Setting told me that Major Hedrick in a staff
18 meeting said, "If he comes back," meaning Dave
19 McAllister, "I am going to resign." So they were all
20 present in the staff meetings when they discussed ways
21 of getting rid of Colonel McAllister.

22 Q. Who discussed? You say "they."

23 A. The people on that list, Lieutenant Colonel
24 Scott McLaren, Major Hedrick --

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1 Q. These people discussed getting rid of
2 McAllister?

3 A. Yes.

4 Q. So nobody from the administration?

5 A. Clearly, the members of the administration
6 wanted to get rid of Colonel McAllister as well.

7 Q. But I am just referring to this bullet point.
8 You are saying that in addition to the administration;
9 Scott McLaren; James Hedrick; Stewart Snyder; Mark
10 Hitch, Debra -- all these people wanted to get rid of
11 Dave McAllister?

12 A. No, I didn't say they wanted to get rid of him.
13 But while they were present during meetings it was
14 discussed.

15 Q. Between the police staff, not between the
16 administration?

17 A. Between the staff meetings or during the staff
18 meetings.

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19 Q. Just on No. 19 of the interrogatory, you
20 indicate in your answer that you met with Sergeant
21 Schlecker; Sergeant Mitchell; Lieutenant Schreiber;
22 Colonel McAllister, as well as Captain and Major
23 Snyder and you had conversations about your
24 dissatisfaction with the administration. Any

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1 dissatisfaction that you conveyed to them that you
2 have not already conveyed here today in your
3 deposition?

4 A. None that I can recall.

5 Q. You had indicated that you had researched the
6 DELJIS violation, is that correct, the alleged DELJIS
7 violation?

8 A. I personally didn't research it. I know that
9 research was conducted.

10 Q. Do you know who did?

11 A. I think Dave McAllister himself. But I am not
12 certain.

13 Q. Do you have any documents from the F.O.P.
14 regarding any of the matters that we have discussed
15 here today?

16 A. I do. They are the same documents that are in
17 the exhibits.

18 Q. That we marked today?

19 A. Yes, ma'am.

20 Q. I am going to show you -- I am not going to
21 necessarily mark -- I'll ask you to leaf through this.
22 These are exhibits received from your attorney. They
23 are Bates marked 0001 through 0046. I'll ask you look

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24 at those documents and let me know if there is

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1 anything else you provided your attorney that is not
2 included in there.

3 A. The question was: Does my attorney have
4 anything that you don't have?

5 Q. Have you given any documents that are not
6 included in this?

7 A. I don't believe so. There was at least one
8 other document that I would like to see introduced and
9 I have to talk to my attorney about that, but there is
10 one other document.

11 Q. Which is?

12 A. The PERF study that was commissioned, that the
13 County Executive asked to have -- PERF, that's the
14 Police Executive Research Forum -- to come and do an
15 analysis of the Police Department.

16 Q. Is that a current study requested by the
17 current County Executive?

18 A. Yes. It was released not long ago within the
19 last couple of months.

20 Q. Have you seen a copy of it yet?

21 A. I have.

22 Q. What do you think is in that report that is --
23 supports any of your claims here today?

24 A. Well, it sort of discredits the Guy Sapp's

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1 opinion that we don't need more supervisors. Clearly,

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2 in the document, it outlines several locations where
3 supervisors are needed, first-line supervisors,
4 sergeants. So it sort of spells out the need for
5 additional supervisors, not necessarily the need for
6 officers. Although it does say more officers, there
7 are several locations that require more sergeants or
8 first-line supervisors.

9 Q. So it says both more sergeants and more
10 officers?

11 A. Yes, ma'am.

12 Q. Anything else in this study that you are aware
13 of that you feel supports your claims here today?

14 A. No, ma'am.

15 Q. You had asked me to remind you if there was
16 anything else that you have not already stated today
17 that you believe is your public speech or public
18 concern which you have not already stated.

19 A. None that I can think of.

20 Q. You also asked me to remind you or to go back
21 to whether or not there was any additional information
22 regarding the current CAO's role in the promotional
23 process, other than what we have discussed.

24 A. No, ma'am.

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1 Q. Is it your opinion that anyone who doesn't like
2 Dave McAllister doesn't like you?

3 A. No. I wouldn't say that's the case. I think
4 anyone within the Police Department who has had
5 anything to do with his removal of office, I would say
6 it's a fair assessment that they don't like me as